

HEALTH FACILITY ADMINISTRATOR ACT

U.C.A. Subsection 63-55-258(5) repeals this act July 1, 2005

58-15-1. Title.

This chapter is known as the "Health Facility Administrator Act."

58-15-2. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Administrator" means a person who is charged with the general administration of a health facility, regardless of whether that person has an ownership interest in the facility and whether his functions and duties are shared with one or more persons.

(2) "Board" means the Health Facility Administrators Licensing Board created in Section 58-15-3.

(3) "Health facility" means a skilled nursing facility, an intermediate care facility, or an intermediate care facility for the mentally retarded.

(4) "Intermediate care facility" means an institution which provides, on a regular basis, health care and services to persons who do not require the degree of care and treatment a hospital or skilled nursing facility provide, but who require health care and services in addition to room and board.

(5) "Intermediate care facility for the mentally retarded" means an institution which provides, on a regular basis, health-related care and service to mentally retarded individuals or persons with related conditions, who do not require the degree of care and treatment a hospital or skilled nursing facility provide, but who require health-related care and services above the need for room and board.

(6) "Skilled nursing facility" means an institution primarily providing inpatients with skilled nursing care and related services on a continuing basis for patients who require mental, medical, or nursing care, or service for the rehabilitation of injured, disabled, or sick persons.

(7) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:

(a) intentionally filing a false report or record, intentionally failing to file a report or record required by state or federal law, or wilfully impeding or obstructing the filing of a required report.

These reports or records only include those which are signed in the capacity of a licensed health facility administrator; and

(b) acting in a manner inconsistent with the health and safety of the patients of the health facility in which he is the administrator.

58-15-3. Health Facility Administrators Licensing Board.

(1) There is created a Health Facility Administrators Licensing Board consisting of one administrator from a skilled nursing facility, two administrators from intermediate care facilities, one administrator from an intermediate care facility for the mentally retarded, and one member from the general public.

(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. The board, in collaboration with the division, may establish continuing education requirements by rule. Board members may not receive compensation for their involvement in continuing education programs.

58-15-4. Licensure requirements.

(1) An applicant for a license under this chapter shall submit a written application to the division, verified under oath, that the applicant is of good moral character as it relates to the functions and responsibilities of the practice of administration of a health facility.

(2) After July 1, 1985, all new applicants are required to have, in addition to Subsection (1), the education or experience requirements as established by rule and as approved by the division.

(3) The applicant shall pay a fee to the Department of Commerce determined by it pursuant to Section 63-38-3.2 for admission to the examination, for an initial license, and for a renewal license.

(4) The applicant shall pass a written examination in subjects determined by the board. Upon passing the examination and payment of the license fee, the board shall recommend

issuance to the applicant of a license to practice as a health facility administrator.

(5) A temporary license may be issued without examination to a person who meets the requirements established by statute and by rule for an administrator. The temporary license may be issued only to fill a position of administrator that unexpectedly becomes vacant and may be issued for only a single period not to exceed six months.

(6) A license may be granted to an applicant who is a licensed nursing home administrator in another state if the standards for licensure in the other state are equivalent to those criteria set forth in Subsections (1) and (2), and if the applicant is otherwise qualified.

58-15-4.5. Term of license -- Expiration -- Renewal.

(1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

(2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

58-15-10. Penalty for unlawful conduct.

Any person who violates the unlawful conduct provisions defined in Subsection 58-1-501(1) is guilty of a class B misdemeanor.

58-15-11. Exceptions to chapter.

In addition to the exemptions in Section 58-1-307, this chapter does not apply to facilities of any recognized church or denomination that cares for the sick and suffering by mental or spiritual means if no drug or material remedy is used in the care provided. Any facilities exempted under this section shall comply with each statute and rule on sanitation and life safety.

58-15-12. Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusal to issue a

license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.